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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,501	10/24/2003	Michael Shappell	30835/306546	9299
45373 7590 06/27/2007 MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER LIN, SHEW FEN	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,501	SHAPPELL ET AL.	
	Examiner	Art Unit	
	Shew-Fen Lin	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- a. This action is taken to response to Request for Continued Examination filed on 4/13/2007.
- b. Claims 1-3 and 5-10 are pending in this Office Action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 13, 2007 has been entered.

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 5, and 9 recite the limitations, “**determining if rules permit** the first user to execute the file system operation with respect to the file object; **if the rules permit**, sending...”, “**if rules permit**, performing,...”, “**if rules allow**, activating...” which suggest an optionally, passive recitation and do not necessary providing a tangible result. For example, when the rule

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does not permit the user to access the file object, no tangible result is produced by the claimed process.

Claims 2-3, 6-8, and 10 comprise the same deficiencies as above claims directly or indirectly by dependence, and are therefore rejected on the same basis.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 5, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites, “*determining if rules permit* the first user to execute the file system operation with respect to the file object; *if the rules permit*, sending a communication over the network to a computing device used by the at least one other user *that has permission to receive the communication*.” The relevant discussion as indicated by applicant appears in the paragraph [0086] of specification, where it states:

[0086] The invention also addresses security as share spaces transmit all shared information as encrypted. Thus, in an embodiment, a group administrator or owner supplies an enterprise policy such as group creation, how many group members are

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present, who can be members, such as employees of corporation X but not of corporation Y, domains, whether content can be shared. The group policy is transmitted to all the machines in the domain to which the policy pertains. The application of the invention reads and obeys such policy.

The amended limitations such as, “rule”, “permit”, “permission” are not supported in the above paragraph or any other sections in the specification as filed. Indeed, the specification does not satisfy the written description requirement because the specification does not describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.

Claims 5 and 9 comprise the same deficiencies as above claim and are therefore rejected on the same basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Aboulhosn et al. (US Patent 6,938,042, hereinafter referred as Aboulhosn).

As to **claim 1**, Aboulhosn discloses a method of enabling file sharing over a computer network among members of a group (column 1, lines 59-60) comprising a first user and at least one other user comprising:

displaying to the first user via a first user graphical display a shared space indicator (Figure 1, column 3, lines 66-67, column 4, lines 1-2) including a first file object associated with the shared space first group comprising the first user and at least one other user (Figures 2-3, Figure 5, item 513, column 4, lines 1-12);

receiving from the first user a request to perform a file system operation with respect to the file object (column 4, lines 9-12); and

determining if rules permit the first user to execute the file system operation with respect to the file object (verify with the authentication server that the member is still registered, column 3, lines 21-24);

if the rules permit, sending a communication over the network to a computing device used by the at least one other user that has permission to receive the communication (identifies the other members of the group and sends the updated metadata to each member, column 2, lines 47-48, column 3, lines 7-9) to indicate that the shared file has been modified by the first user after such file system operation has been performed (column 2, lines 18-20, lines 44-47) wherein a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user (Figures 2-3, column 2, lines 17-30, column 4, lines 13-23, lines 49-59).

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As to claim 2, Aboulhosn discloses wherein the network is a peer-to-peer network (column 2, lines 15-18).

As to claim 3, Aboulhosn discloses presenting a graphical representation of the file system operation to the first user in response to receiving the file system operation request (Figure 1, column 3, lines 66-67, column 4, lines 9-12).

As to claim 5, Aboulhosn discloses a method for updating a shared file in a computer network including a group of communicating computing devices in a peer-to-peer network (Figure 6B), the method comprising

if rules permit (verify with the authentication server that the member is still registered, column 3, lines 21-24), performing, at a first computing devices, a file system operation on a shared file associated with a file icon displayed in a first shared space display area to generate an updated shared file (Figure 1, column 4, lines 1-12, column 2, line 67);

creating, at the first computing device, metadata associated with the updated shared file (column 2, lines 36-40);

propagating to a second computer device that has permission (to group member, column 2, lines 47-48), by the first computing device, the metadata associated with the updated shared file to other group member (column 2, lines 18-20);

obtaining, by a second computing device, the metadata associated with the updated shared file (column 2, lines 24-27, lines 40-41);

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determining, by the second computing device, whether the updated shared file should be replicated on the second computing device (column 2, lines 3-7);

downloading, by the second computing device, the updated shared file when it is determined that the updated shared file should be replicated (column 2, lines 3-7); and

displaying a second file icon in the shared space display area of the second computing device indicating that the shared file has been updated (Figures 2-4, column 2, lines 17-30, column 4, lines 13-23, column 4, lines 32-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboulhosn as applied to claim 5 above, and further in view of Taylor et al. (US Patent 5,754,306, hereinafter referred as Taylor).

As to claims 6 and 7, Aboulhosn discloses the elements of claim 5 as noted above but does not explicitly disclose the step of displaying, by the second computing device, a third file icon in the shared space display area indicating that the shared file has not been updated when the updated shared file should not be replicated on the second computing device.

Taylor discloses the step of displaying a third file icon when the file has not be updated (Figure 20A, column 28, lines 3-6).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Aboulhosn's disclosure to include different display for unsynchronized files as taught by Taylor for the purpose of identifying unsynchronized files (column 27, lines 23-26, Taylor). The skilled artisan would have been motivated to improve the invention of Aboulhosn per the above such that different icon is used to indicated the file is not updated (column 27, lines 23-29, Taylor).

As to claim 8, Aboulhosn discloses wherein the first shared space display area is a folder object (Figure1, column 3, lines 66-67, column 5, lines 17-19).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz et al. (US Publish 2004/0103280, hereinafter referred as Balfanz).

As to claim 9, Balfanz discloses a method for adding a shared file to a shared space indicated by a display on a computing device in a computer network that includes a first online member of a group and at least one other online member of the group (Figure 1, paragraph [0007], lines 4-9), the method including the steps of:

displaying to the first user via a first user display a group folder object (Figures 3A/B, paragraph [0031], lines 1-3, paragraph [0032], lines 13-16) ;

if rules allow (preauthorized devices to access, abstract, paragraph [0001]), activating a file system operation through selection of a first selectable visual indicator to move a file into the group folder object (paragraph [0033], lines 1-8);

creating metadata concerning the moved file (paragraph [0033], lines 8-13); and

transmitting the metadata to the at least one other online member of the group (paragraph [0059]) that has permission to receive the metadata (communicate with one or more other preauthorized devices using cryptographic information, abstract) wherein the metadata indicates that the moved file has been modified by the first online member (laptop 12(2)) after such file system operation has been performed wherein a graphical representation of the shared file modification (new shared file added, paragraph [0059], lines 9-15) is displayed on the computing device used by the at least one other online member (laptop 12(1)) of the group (user interface of other group member is updated to reflect the new file added, paragraph [0059], lines 22-24).

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Balfanz does not explicitly disclose the metadata indicates that the moved file has been modified by the first online member.

However, the metadata that identify the file name, the file owner, the create date of the file, the last modified date of the file, the size of the file, are widely used in the art of file system. Furthermore, Aboulhosn teaches that metadata describes the file to be shared, for example, the file name, file owner, create date of the file, the last modified date of the file, the size of the file, and so on (column 2, lines 27-30, Aboulhosn). Therefore, it would have been obvious for one of ordinary skills in the art at the time of invention was made to recognize that the metadata indicates the file has been modified by a certain person is well known and a common practice in the art, hence this limitation lacks patentable significance.

As to claim 10, Balfanz discloses wherein the network is a peer-to-peer network (paragraph [0022]).

Response to Amendment and Remarks

Applicant's arguments based on newly amended features with respect to claims 1, 5 and 9 have been fully and carefully considered but are moot in view of the new ground(s) of rejection. Refer to the corresponding sections of the claim analysis for details.

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Pabla; Kuldip Singh et al., US 7127613 B2, "Secured peer-to-peer network data exchange".
- Yeager; William J. et al., US 7203753 B2, "Propagating and updating trust relationships in distributed peer-to-peer networks".
- Yeager; William J. et al., US 7213047 B2, "Peer trust evaluation using mobile agents in peer-to-peer networks".


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 21, 2007


Shew-Fen Lin
Patent Examiner
Art Unit 2166


MOHAMMAD ALI
PRIMARY EXAMINER